

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DAVID ALLEN,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
v.	§	
	§	3:09-CV-1565-K
TELEVISTA, INC., et al.,	§	
	§	
Defendants.	§	
	§	

**MEMORANDUM OPINION AND ORDER**

Before the Court are (1) Plaintiff's Motion for Partial Summary Judgment (Doc. No. 22) and (2) Defendants' Motion for Leave to File Amended Answer (Doc. No. 34). The deadline under the Court's Scheduling Order for seeking leave to amend pleadings was January 18, 2010. *See* Doc. No. 13, ¶ 4. Defendants filed this motion seeking leave of the Court on January 15, 2010, within the deadline. Finding Defendants' motion to have merit, the Court **GRANTS** the requested leave. *See* FED. R. CIV. P. 15(a)(2). Defendants must file their amended answer with the Court **within three (3) days from the date this order is signed.**

Plaintiff argues, among other things, that because he already filed a partial motion for summary judgment, he would be prejudiced if the Court allows the amended answer. In the interest of ensuring fairness, the Court will give Plaintiff the opportunity to re-file his summary judgment motion once Defendants have filed their amended answer. Accordingly, the Court **DENIES** Plaintiff's partial motion for summary judgment

**without prejudice to refiling it at a later date.** The Court reminds the parties that the deadline in the Scheduling Order for filing dispositive motions is July 7, 2010. *See* Doc. No. 13, ¶ 5.

**SO ORDERED.**

Signed March 10<sup>th</sup>, 2010.

  
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UNITED STATES DISTRICT JUDGE